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Before The  
**FEDERAL COMMUNICATIONS COMMISSION**  
 WASHINGTON, D.C.

JUN 17 2003

In the matter of:	)	MB Docket 02-376	Federal Communications Commission
	)	RM-10617	Office of the Secretary
Amendment of §73.202 of the Commission's	)	(Sells, Arizona)	
Rules - Table of Allotments for FM	)		
Broadcast Stations.	)	RM-10690	
	)	(Davis Monthan AFB, Phoenix	
	)	and Wilcox, Arizona)	

**REPLY TO SUPPLEMENT FILED BY LAKESHORE MEDIA**

REC Networks ("REC") is a supporter of locally owned and diverse radio. REC currently operates several Internet only radio stations. REC also operates several websites including the original LPFM Channel Search Tool. REC Networks also represents the interests of independently owned Low Power FM ("LPFM") broadcast stations and their listeners as well as the interest of radio listeners in rural areas. Since the above captioned proceeding will have an impact on the future of local radio in REC's area of interest<sup>1</sup>, REC should be considered an "impacted party" in this proceeding. REC has no plans to apply for the channel. REC should be considered an independent third party.

REC was properly served and has reviewed the Supplement filed by Lakeshore Media, LLC ("Lakeshore") responding to Journal Broadcast Corporation's ("Journal") Reply Comments<sup>2</sup>.

Lakeshore's reliance on *Lebanon and Speedway, Indiana* does not apply in this case. The primary difference between Speedway and Davis-Monthan Air Force Base ("DMAFB") is that Speedway is still considered a community by the United States Census Bureau. As Journal points out in their reply comments, DMAFB lost their community status in the 1990 Census<sup>3</sup>.

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1 - REC's "Area of Interest" include the entire states of Arizona and Nevada as well as the Southern California counties of Kern, Los Angeles, Inyo, San Bernardino, Ventura, Riverside, Orange, San Diego and Imperial.

2 - REC is responding to this supplement filed by Lakeside to Journal's reply comments as it raises some of the same issues that REC raised in Reply Comments. Due to our involvement in rural and community media issues within our Area of Interest, REC has already established itself as an "impacted party" in this proceeding.

3 - See Journal Broadcasting Reply Comments at 2.

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We also point out that San Fernando, California is an incorporated city and is completely surrounded by the city of Los Angeles is listed the Census and has one FM allotment.

Unless an outstanding public interest issue<sup>4</sup> exists, REC feels that recognition by the Census Bureau as at a minimum, a Census Designated Place (CDP) is absolute the minimum requirement for a locality obtaining community status for allotment purposes<sup>5</sup>.

REC has demonstrated in Reply Comments<sup>6</sup> that the area where DMAFB is located is already well served by 13 city grade FM signals, many of them licensed to Tucson, an urbanized area. In one other case, the Commission denied an allotment to a locality not listed in the Census that already received 5 services<sup>7</sup>. Therefore, REC feels that DMAFB is similar to Littlefield, Arizona in many ways and that granting an allotment to DMAFB, especially at the expense of Willcox would be contrary to the will of Congress as stated in 47 USC 307(b) and therefore would not be in the public interest.

REC therefore urges the Commission to deny the counterproposal of Lakeshore and grant the original allotment to Sells, Arizona without further delay.

Respectfully submitted,

/S/

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4 - See *Essex, California* 3 FCC Rcd 5403 (1988), *Essex and Needles, California* 10 FCC Rcd 7283. In this case, the FCC granted an allotment even though the locality was not listed in the Census but due to the extenuating circumstances of providing FM service to an underserved area that has a very well traveled interstate highway, an allotment is warranted. This is our main argument of another open allotment proceeding with a similar situation.

5 - See *Littlefield, Arizona* 15 FCC Rcd 10263 (2000) (denied).

6 - We note that our Reply Comments were timely filed with the Secretary's office using the [mmbsecretary@fcc.gov](mailto:mmbsecretary@fcc.gov) mailbox in accordance with FCC Public Notice 01-345 however our comments were not properly received in the mailbox. After working with Bill Caton in the OSEC, we were able to get our reply comments successfully submitted and posted on ECFS. We do note that we did timely serve all impacted parties a copy of our Reply Comments as of the original comment deadline.

7 - See *Littlefield, Arizona* (on reconsideration) 15 FCC Rcd 21547 (2000).

### **CERTIFICATE OF SERVICE**

In the best interest of National Security, REC Networks is filing this pleading electronically with the Secretary in the designated Media Bureau electronic mailbox ([mmbsecretary@fcc.gov](mailto:mmbsecretary@fcc.gov)) pursuant to Public Notice FCC 01-345. A courtesy copy will be filed directly with William Caton in the Office of the Secretary due to past issues with the [mmbsecretary@fcc.gov](mailto:mmbsecretary@fcc.gov) mailbox.

In addition, a copy of this pleading will be filed electronically with the following:

Qualex International  
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A copy of this pleading will be sent via First Class mail to the parties in this proceeding:

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June 17, 2003